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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,325	03/09/2000	Mohammad R. Zonoun	003239.P059	2790

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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/522,325	Applicant(s) ZONOUN, MOHAMMAD R.	
	Examiner NGHI H. LY	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 38-120 is/are rejected.
- 7) ☒ Claim(s) 33-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 11-15, 17, 21-32, 38, 40-42, 44-46, 48, 49, 51, 53, 54, 57, 60-65, 67, 71-75, 77, 81-85, 87, 91-95, 97, 101-105, 107 and 111-115 are rejected under 35 U.S.C. 102(b) as being anticipated by Chanroo et al (US 5,684,859).

Regarding claims 1, 11, 61, 71, 81, 91, 101 and 111, Chanroo teaches an apparatus comprising: a decoder to decode an activation message (see column 6, lines 3-7), the activation message being sent from a request subsystem via a communication medium in response to a telephony call (see column 14, lines 3-20), the decoder generating an activation command (see column 14, lines 3-20), and a transmitting unit coupled to the decoder to transmit a signal modulated from an information message to a receiver using a communication protocol (see column 14, lines 3-20), in response to the activation command, the information message containing a geographical location of a transmitter containing the transmitting unit (also see column 14, lines 3-20, see "*location identifier of pager/cordless transceiver 720*").

Regarding claims 2, 12, 62, 72, 82, 92, 102 and 112, Chanroo teaches the receiver is coupled to a server (see fig.1 and fig.7), the server embedding the information message in network data to be sent over a network (see fig.1 and fig.7).

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Regarding claims 3, 13, 63, 73, 83, 93, 103 and 113, Chanroo teaches the communication protocol uses one of a multi-frequency tone, an ultra-red signal, a microwave signal, and an electromagnetic signal (see column 3, lines 18-22).

Regarding claims 4, 14, 64, 74, 84, 94, 104 and 114, Chanroo teaches the transmitting unit comprises a modulator to modulate the information message according to a modulating scheme (see column 1, lines 18-25).

Regarding claims 5, 15, 65, 75, 85, 95, 105 and 115, Chanroo teaches the modulating scheme is compatible with a sound signal (see column 1, lines 18-25).

Regarding claims 7, 17, 67, 77, 87, 97, 107 and 117, Chanroo teaches the information message includes a location identifier corresponding to location of the transmitting unit (see column 4, lines 37-59).

Regarding claims 21, 38, 54, 57 and 60, Chanroo teaches a network comprising a plurality of commonly coupled location transmitters (see fig.1 and fig.7), each transmitter comprising a transmission unit to broadcast a signal modulated from an information message containing respective geographical location information of the transmitter upon receipt of an activation request that requests the geographical location information (see column 1, lines 18-25, see "*modulates*", "*decodes*", and see column 14, lines 54-58, see "*requesting*"), the activation request being generated from a request subsystem in response to a telephony call (see column 6, lines 3-7 and see column 14, lines 3-20)

Regarding claim 22, Chanroo teaches the transmission unit of a transmitter broadcasts the respective geographical location information on a substantially periodic basis (see column 6, lines 3-7 and see column 14, lines 3-20).

Regarding claims 23, 24, 29 and 40, Chanroo teaches the transmission unit of a transmitter broadcasts the respective geographical location information on a substantially continuous basis (see column 6, lines 3-7 and see column 14, lines 3-20).

Regarding claims 25, 27, 28, 30, 31 and 32, Chanroo teaches at least one of the plurality of transmitters (see fig.1 and fig.7) comprises a reception unit coupled to the transmission unit of the at least one of the plurality of transmitters (see fig.1 and fig.7), the reception unit to receive the activation request and to notify the transmission unit of such receipt (see column 14, lines 54-58).

Regarding claims 26 and 51, Chanroo teaches each transmitter further comprises a reception unit coupled to the transmission unit to receive an activation request and to notify the transmission unit of such receipt and wherein the reception units of a set of the transmitters to receive the activation request at substantially the same time (see column 14, lines 54-58).

Regarding claim 41, Chanroo teaches storing the location information in a store for storing location information (see column 12, lines 52-56).

Regarding claim 42, Chanroo teaches receiving the location information from a location information receiving device (see column 6, lines 3-7 and see column 14, lines 3-20).

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Regarding claims 44, 45, 46 and 48, Chanroo teaches the location information is an absolute reference to a location (see column 6, lines 3-7 and see column 14, lines 3-20).

Regarding claim 49, Chanroo teaches the location information comprises a predetermined code associated with a location (see column 6, lines 3-7 and see column 14, lines 3-20).

Regarding claim 53, Chanroo teaches the networkable component comprises an association with a commercial transaction (see column 6, lines 3-7 and see column 14, lines 3-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 16, 66, 76, 86, 96, 106 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chanroo et al (US 5,684,859) in view of Bjork et al (US 6,084,862).

Regarding claims 6, 16, 66, 76, 86, 96, 106 and 116, Chanroo teaches claims 1, 11, 61, 71, 81, 91, 101 and 111. Chanroo does not specifically disclose the modulating scheme uses a pseudo random binary sound (PRBS).

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Bjork teaches the modulating scheme uses a pseudo random binary sound (PRBS) (see column 7, lines 14-22 and column 7, lines 29-38. In addition, applicant's specification page 13, line 23 to page 14, lines 8, disclose that "PRBS signal behaves like white noise").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Bjork into the system of Chanroo in order to provide techniques for measuring an amount of time dispersion associated with a received radio signal (see Bjork, column 1, lines 5-17).

5. Claims 8, 9, 18, 19, 20, 43, 47, 55, 58, 68, 69, 70, 78, 79, 80, 88, 89, 90, 98, 99, 100, 108, 109, 110, 118, 119 and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chanroo et al (US 5,684,859) in view of Walsh et al (US 6,603,977).

Regarding claims 8, 18, 43, 47, 55, 58, 68, 78, 88, 98, 108 and 118, Chanroo teaches claims 1, 11, 61, 71, 81, 91, 101 and 111. Chanroo does not specifically disclose the location identifier includes global positioning system (GPS) information.

Walsh teaches the location identifier includes global positioning system (GPS) information (see column 4, lines 55-65 and column 6, lines 12-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Chanroo in order to provide accurate location information.

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Regarding claims 9, 19, 69, 79, 89, 99, 109 and 119, Chanroo teaches claims 1, 11, 61, 71, 81, 91, 101 and 111. Chanroo does not specifically disclose the telephony call is made by a person located in proximity of the location of the transmitting unit.

Walsh teaches the telephony call is made by a person located in proximity of the location of the transmitting unit (see column 8, lines 17-31 and column 10, lines 46-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Chanroo in order to provide accurate location information.

6. Claims 10, 20, 50, 52, 56, 59, 70, 80, 90, 100, 110 and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chanroo et al (US 5,684,859) in view of Buhrmann et al (US 6,169,895).

Regarding claims 10, 20, 50, 52, 56, 59, 70, 80, 90, 100, 110 and 120, Chanroo teaches claims 1, 11, 61, 71, 81, 91, 101 and 111. Chanroo does not specifically the telephony call is an emergency call using an emergency call number.

Buhrmann teaches the telephony call is an emergency call using an emergency call number (see column 8, lines 6-11 and column 8, lines 36-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Buhrmann into the system of Chanroo in order to provide a data collection method (see Buhrmann, Abstract).

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7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chanroo et al (US 5,684,859) in view of Official notice.

Regarding claim 39, Chanroo teaches claims 1, 11, 61, 71, 81, 91, 101 and 111. Chanroo does not specifically disclose the data packet complies with Internet Protocol. However, the examiner takes Official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to modify the above teaching of Chanroo for providing a method as claimed, for the data packet complies with Internet Protocol.

Allowable Subject Matter

8. Claims 33-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33-37 are objected for the reasons as stated in the previous Office action 08/29/2008, page 16 and 17.

Response to Arguments

9. Applicant's arguments with respect to claims 1-32 and 38-120 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/
Primary Examiner, Art Unit 2617